

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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YOON SIK MOON

Civil Action No.:

Plaintiff,

**NOTICE OF REMOVAL
TO EDNY**

- against -

EMILIANO MARTINEZ BECCO AND LIONETTI
ASSOCIATES, LLC

Queens County Index No.
719721/2022

Defendants.

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PETITION OF REMOVAL OF CIVIL ACTION

1. Defendants, LIONETTI ASSOCIATES LLC and EMILIANO MARTINEZ BECCO (“Defendants”) are named as parties in a civil action commenced by Plaintiff, YOON SIK MOON (“Plaintiff”) in the New York Supreme Court, Queens County, action captioned *YOON SIK MOON v. EMILIANO MARTINEZ BECCO and LIONETTI ASSOCIATES, LLC*, Index No. 719721/2022 (the “State Court Action”).

2. On or around September 22, 2022, Plaintiff commenced the State Court Action with the filing of a Summons and Verified Complaint. A copy of Plaintiff’s Summons and Verified Complaint is annexed hereto as **Exhibit A**.

3. On or about September 29, 2022, Lionetti Associates, LLC was served with the Summons and Verified Complaint in New Jersey by leaving a copy with Bobby Yarborough, a person authorized to accept service on behalf of Lionetti Associates, LLC.

4. On or about October 20, 2022, Emiliano Martinez Becco was served with the Summons and Verified Complaint by Mail.

5. Upon information and belief, Plaintiff is a New York resident who resides in Queens County, New York.

6. Lionetti Associates LLC is a New Jersey limited liability company, with its principal places of business in Elizabeth, New Jersey.

7. The Members of Lionetti Associates LLC are all residents of Florida.

8. Emilio Martinez Becco is a New Jersey resident who resides in Roselle Park, New Jersey.

9. The Defendants have not filed a responsive pleading in the State Court Action.

10. The within lawsuit is a controversy between citizens of different states, as to give rise to complete diversity of citizenship within the meaning of 28 U.S.C. § 1332.

11. By letter dated October 3, 2022, Defendants' attorney wrote Plaintiff's counsel and sent an accompanying stipulation asking Plaintiff to stipulate that the total amount of damages she can recover, if any, in this action cannot exceed \$75,000.00, exclusive of interest and costs. A copy of the October 3, 2022 correspondence and proposed stipulation is annexed hereto as **Exhibit B**. By letter, dated October 13, 2022, Plaintiff's counsel responded, stating that Plaintiff could not stipulate to the damages being less than \$75,000.00. **Exhibit C**.

12. While not specifically pled in Plaintiff's Summons and Verified Complaint in the State Court Action, Plaintiff cannot stipulate to the damages in this matter total less than the sum or value of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

13. Defendants assert that this Honorable Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332 by virtue of diversity of citizenship jurisdiction.

14. Therefore, Defendants are entitled to removal of the State Court Action to this Court pursuant to 28 U.S.C. § 1441(a).

WHEREFORE, defendants LIONETTI ASSOCIATES, LLC and EMILIANO MARTINEZ BECCO respectfully request that the State Court Action be removed to the United States District Court for the Eastern District of New York.

Dated: New York, New York
October 28, 2022

CLAUSEN MILLER P.C.



By:

Carl M. Perri, Esq.
Matthew J. Van Dusen, Esq.
*Attorneys for Defendants Lionetti Associates
LLC and Emiliano Martinez Becco*
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CERTIFICATE OF SERVICE

I certify that on the 28th day of October 2022, a true and correct copy of the foregoing NOTICE OF REMOVAL OF CIVIL ACTION was served via U.S. Mail postage prepaid, on the following:

Joseph G. Dell, Esq.
DELL & DEAN, PLLC
1225 Franklin Avenue, Suite 450
Garden City, New York 11530



Carl M. Perri